UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,102	09/26/2001	Anthony J. Baerlocher	0112300-739	3016

29159 7590 12/05/2003	EXAMINER	
BELL, BOYD & LLOYD LLC	NGUYEN, BINH AN DUC	
P. O. BOX 1135		
CHICAGO, IL 60690-1135	ART UNIT	PAPER NUMBER
	3713	8

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/964,102	BAERLOCHER ET AL.
	Examiner	**Art Unit**
	Binh-An D. Nguyen	3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _04 September 2003_.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-44_ is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _14 and 15_ is/are allowed.

6)☒ Claim(s) _1-13 and 16-44_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _04 September 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a)☐ All b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.
  a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)		4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .	
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) ☐ Notice of Informal Patent Application (PTO-152)	
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .		6) ☐ Other: .	

DETAILED ACTION

1.   The Amendment and Drawings filed in Paper No. 7, September 4, 2003 has been received. According to the amendment, claims 1, 5, 9, 10, 12-14, 16, 20, 26, 32-34, and 44 have been amended. Currently, claims 1-44 are pending in the application. Acknowledgment has been made.

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1, 5-7, 9, 10, 12, 13, 16, 17, 19, 21-23, 25-29, 32-34, 36, 37, and 39-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennet (6,089,977).

Bennet teaches a gaming system and method comprising a plurality of reels; a plurality of symbols on said reels; a display device for displaying said reels and at least one of the symbols on each reel (Figs. 1 and 2); a processor in communication with said display (2:45-65), wherein said processor is adapted to selectively determine if one of said plurality of symbols displayed by the display device is a wild activation symbol and if one of said symbols displayed on said reels is a wild termination symbol (upon occurrence of a predetermined triggering event; wherein the wild activation symbol, i.e., an iceberg, appears in the left hand column; and wild termination executing feature at the end of the last column, i.e., at the location having a background coin symbol)(3:1-7);

the processor transform symbols of the plurality of displayed symbols into wild symbols

in a pattern on the display device when the wild activation symbol is determined to be

within the display until reaching the symbol determined to be the wild termination

symbol; transforming displayed symbols into wild symbols successively (Fig. 3 and

columns 3-5); the processor causes the display device to change the determined wild

activation symbol into the wild activation symbol and to change the determined wild

termination symbol into the wild termination symbol (location of background coin

symbol); the processor is adapted to repeat the determinations (looping while executing

game software); the processor randomly determines if one of said symbols displayed by

the display device is a wild activation symbol and if one of the symbols displayed on the

reels is a wild termination symbol, and transforms at least one displayed symbol into a

wild symbol if the processor determines that one of said symbols is a wild activation

symbol (1:61-2:6); wherein the displayed symbols are transformed into wild symbols in

a pattern from the wild activation symbol to the wild termination position if the processor

determines that one of said symbols is a wild activation symbol (upon occurrence of

predetermined triggering event); stopping transformations of said symbols into wild

symbols based on a position within a display device at which the wild termination

symbol is displayed (3:1-55 and 5:35-45); awarding player for any winning combinations

(3:25-5:42); and further, applying this to a draw poker machine wherein plurality of card

being displayed within the display device (Fig.2; column 2, lines 7-14 and column 5,

lines 44-62). See also, Figures 1-3 and columns 1-5. Bennet further teaches the wild

symbol being terminated at the end of the last column (Figures 1 and 3).

Bennet does not explicitly teach the limitation of at least one of the symbol is adapted to function as a wild termination symbol. It is obvious to one of ordinary skill in the art to assign an arbitrary symbol, e.g., a coin symbol, at the end of the last column that indicates the end of wild transformation.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide the gaming system and method of Bennet a wild termination symbol alert to bring more excitement to the game thus attract more players and increase profits.

4.   Claims 2-4, 8, 11, 18, 20, 24, 30, 31, 35, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennet (6,089,977) as applied to claims 1, 5-7, 9, 10, 12, 13, 16, 17, 19, 21- 23, 25-29, 32-34, 36, 37, and 39-44 above, and further in view of Schultz (5,332,228).

Bennet teaches all limitations of claims 1, 5-7, 12, 13, 16, 17, 19, 21-23, 25-29, 32-34, 36, 37, and 39-44 above. Bennet does not explicitly teach the limitations of: the processor randomly determines which displayed symbols is the wild activation symbol (claim 2); the processor randomly determines which displayed symbols is the wild termination symbol (claim 3); the processor transforms symbols of the plurality of displayed symbols into wild symbols in a random sequence when the wild activation symbols is determined to be within the display device until reaching the symbol determined to be the wild termination symbol (claims 4, 11, 24, and 31); the processor determines if more than one of the symbols displayed on the reels is a wild termination

symbol (claim 8); transforming said displayed symbols in a random sequence (claim

18); simultaneously transforming at least two displayed symbols into wild symbols

(claims 20 and 30); the processor is adapted to transform cards into wild cards in a

random sequence (claims 35 and 38). Schultz, however, teaches a poker game with

variable position wild card having a processor operable to randomly determine which

displayed symbols is the wild card (3:63-4:6); transform symbols of the plurality of

displayed card into wild symbols in a random sequence (4:1-15); transform said

displayed card into wild card in a random sequence (3:65-68); simultaneously transform

at least two displayed symbols into wild symbols (4:7-15). Thus, it would have been

obvious to a person of ordinary skill in the art at the time of the invention to combine

Bennet's gaming machine featuring roaming wild card with the technique of randomly

transform wild card symbols, as taught by Schultz, to come up with a more interesting

and excited way to play an electronic gaming utilizing random activation and random

termination of wild cards or symbols. See also, Figures 1-7 and columns 3-5.

5.   Claims 14 and 15 are allowed.

6.   Applicant's arguments with respect to claims 1-13 and 16-44 have been

considered but are moot in view of the new ground(s) of rejection.

7.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Bennet (6,419,579) teaches slot machine with random line multiplier.

Barrie (5,980,384) teaches gaming apparatus and method having an integrated

first and second game.

Bennet (WO 00/32286) teaches player information delivery.

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Binh-An D. Nguyen whose telephone number is 703-

305-5713. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Teresa Walberg can be reached on 703-308-1327. The fax phone

numbers for the organization where this application or proceeding is assigned are (703)

872-9306 for regular communications and (703) 872-9306 for After Final

communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-308-

1148.

BN

Teresa Walberg
Supervisory Patent Examiner
Group 3700